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## ANNUAL MEETING, APRIL, 1890.

THE Annual Meeting was held on Thursday, April 10, at twelve o'clock, M.; the President, Dr. GEORGE E. ELLIS, in the chair.

In conformity with the regular usage, the business of the stated monthly meeting was first taken up; and after the reading of the record of the last meeting, which was accepted, the Librarian communicated his monthly list of accessions to the Library. Among the volumes added was a copy of Mr. Upham's "Life of General Washington" (London, 1856), the sale of which had been prohibited in this country, as it had been held to be an infringement on the copyright of Mr. Sparks's "Life and Writings of Washington."

The PRESIDENT, in behalf of the Council to whom the matter was referred at the last meeting, reported a recommendation that the centennial anniversary of the organization of the Society should be celebrated in the early part of the ensuing year, and a desire for further time to consider as to the most convenient time and manner of commemoration. This report was accepted as a report in part, and the further consideration of the subject was left with the Council.

The PRESIDENT then spoke as follows:—

The recent posthumous publication of the fifth, the concluding volume of Dr. Palfrey's "History of New England," prompts from us a grateful recognition. The circumstances attending its appearance attach to it a special interest. It unites the labors of two who were our esteemed associates, father and son, each of whom has received commemorative tribute here. Dr. Palfrey's original purpose, now fully completed, was to narrate the history of the New England Colonies from their first planting to the opening of the war of the Revolution. His first volume was published in 1858; the fourth appeared in 1875. He had substantially written the

fifth volume, with his very copious illustrative notes and citations. Before he could give it the thorough and rigid revision of text and authorities which his conscientious fidelity always engaged upon his work previous to sending it to the press, the infirmities of age impaired and disabled some of his powers. He left the manuscript to his son, our late associate, Gen. F. W. Palfrey, to be prepared for publication. It was at the December meeting of the last year that we were called to express here our profound regard for the exalted patriotic military service of that son, and our grief over his many years of invalidism and suffering from that service, closed by his death abroad. Dr. Palfrey had died in 1881, and the son at once engaged upon his filial work. That a period of nine years should have elapsed before its publication is but one among the many tokens known to us of the impediments which debility and a struggle with invalidism interposed to his mental labors. His desire and purpose that the printed volume should present his father's work and not his own withheld him from all but necessary editorial oversight. It may be that some readers of the volume will take note occasionally of matters or places which would have engaged the closer attention of the author.

There were two special and exacting aims which Dr. Palfrey had in view in his method. One was to trace fully the inter-relations between the New England Colonies in the events and measures which engaged them in harmony or in variance. The other was to offer a contemporaneous narrative of incidents and experiences in the mother country, the government, court and party movements and intrigues which affected in any way the actions and interests of the colonists. So we find his pages crowded and enriched by very elaborate and instructive extracts from State papers, reports, correspondence, and minutes gathered by the author from his keen and diligent researches, in his visits to England, among all accessible archives and repositories.

It is safe to affirm that by whosoever pens, or from whatsoever points of view in historical, ethical, political, or philosophical theory, the history of New England may be rewritten, fidelity to fact in its treatment, general impartiality, and interesting narration will always be the claims on which Dr. Palfrey's faithful work may rest for high approval.

The members of the second section, G to P inclusive, having been called on for communications, Dr. SAMUEL A. GREEN said:—

The first member of the Historical Society chosen by the founders after its organization was the Hon. David Sewall, of York, District of Maine; and among the earliest manuscripts given to the Library is a volume which he presented, containing copies of papers connected with the early history of that Province. Besides other documents transcribed in the book, there is a deed of land given by President Thomas Danforth to the Trustees of the Town of York, which has some historical interest and value. This instrument has been referred to, in different works, by writers who did not say where it was recorded; and the existence of such a deed, or even of a copy, has been doubted.

On pages 222, 223 of the current number of the Quarterly (April, 1890) published by the Maine Historical Society is an article on the "Alleged Deed," written by William M. Sargent, Esq., a member of the Cumberland bar, and the editor of "York Deeds," who is probably more familiar with the land titles of York County than any other person. The author takes the ground that no such deed was ever given, and he says:—

"But there is very grave doubt whether there ever was, in fact, any such deed. It is not recorded chronologically; nor is it revealed by a search of the present imperfect index to the deeds still tolerated in use by York County; the present town clerk knows nothing of it; it is not mentioned by either Sullivan or Williamson. Who ever saw it? Who made the above alleged abstract from it? It is, of course, possible that such a deed was executed to trustees for the town, as alleged, and that it may have been destroyed with the other papers in the Indian raid of 1692, without having gone upon the county records; but, even in that case, it is very peculiar that it was not known to Sullivan or Williamson, or at any rate, not considered worthy of mention by them."

In the discussion, from his standpoint, Mr. Sargent's argument is fair and logical, but his conclusions are drawn from wrong premises. Candor, however, compels me to say that my attention was first called to the copy now in this Library

by Mr. Sargent himself, who has examined it, and is satisfied that it was made from the original record. As the deed has excited some interest in various quarters, I submit the following copy for the Proceedings:—

This Indenture made the Twenty sixth day of July anno Domini one thousand six hundred and eighty four, and in the Thirty Six year of the Reign of our Sovereign Lord Charles the second by the Grace of God of England Scotland France and Ireland King defender of the Faith &c. Between Thomas Danforth Esq<sup>r</sup> President of his Majesty's Province of Mayne, in New England on the one party and Major John Davis, M<sup>r</sup> Edward Rishworth, Cap<sup>t</sup> Job Alcock and Lieu<sup>t</sup> Abraham Prebble Trustees on the behalf, and for the sole use and benefit of the Inhabitants of the Town of York, within the above named Province of Mayne on the other party Witnesseth, That Whereas the above named Thomas Danforth by the Governour & Company of the Massachusetts Colony in New England, the now Lord Proprietors of the above named Province of Mayne, at a General Assembly held at Boston on the Eleventh day of May 1681 is fully authorized & impowred to make legal confirmation unto the Inhabitants of the abovesaid Province of Mayne of all their Lands, or Proprieties to them Justly appertaining or belonging, within the limits or bounds of said Province Now Know all men by these Presents, that the said Thomas Danforth pursuant to the Trust in him reposed and power to him given as abovesaid, by and on the behalf of the Governour and Company of the Massachusetts Colony aforesaid Hath given granted and Confirmed, And by these presents, Doth fully clearly and absolutely give grant, and Confirm unto the above named Major John Davis, M<sup>r</sup> Edward Rishworth, Cap<sup>t</sup> Job Alcock & Lieu<sup>t</sup> Abraham Prebble Trustees as is above expressed, All that Tract or parcel of Land within the Township of York in said Province, according to the Bounds and Limits of said Township to them formerly granted by S<sup>t</sup> Ferdinando Gorges Knight, or by any of his Agents, or by the General Assembly of the Massachusetts, with all priveledges and appurtenances to the same appertaining or in any wise belonging (All Royaltys reserved to his Majesty by the Charter granted to Sir Ferdinando Gorges Knight, [his Heirs and assigns, together] Also those by the said Charter given to said Sir Ferdinando Gorges Knight, his Heirs & assigns, together with the Rivers Streams, and coves contained within the limits or bounds of said Township always to be excepted and reserved. to have and to hold all the above said Tract of Land by these presents granted and confirmed be the same more or less with all the priveledges & appurtenances to the same appertaining, or in any wise belonging, excepting as is above excepted and reserved

to them the said Major John Davis M<sup>r</sup> Edward Rushworth Cap<sup>t</sup> Job Alcock & Lieu<sup>t</sup> Abraham Prebble Trustees, as abovesaid forever. To the only proper use and behoof of the Inhabitants of the said Town that now are, and to those that shall there Survive and succeed from time to time and forevermore hereafter. And the above named Thomas Danforth for and on the behalf of the Governour and Company of the Massachusetts Colony and for their Successors, and assigns doth further covenant promise and grant to and with the above named John Davis Edward Rishworth, Job Alcock and Abraham Prebble their Heirs and Assigns Trustees above expressed, That they the said John Davis, Edward Rushworth Job Alcock & Abraham Prebble shall and may at all times and from time to time for ever hereafter, peaceably and quietly have hold occupy possess and enjoy all the above given and granted premises without the let denyal or Contradiction of the Governour and Company of the Massachusetts Colony, or of any other person or persons whatsoever claiming and having any lawfull Right Title or Interest therein, or in any part or parcel thereof by from or under them the said Governour and Company, or by any of their assigns. They the above named Inhabitants of the said Town of York for the time being and in like manner that shall there be from time to time forever hereafter Yielding and paying in consideration thereof to the Governour and Company of the Massachusetts Colony, or to the President of said Province of Mayne, by them authorised & impowred for the time being, or to other their Agents and lawfull Assignee or Assignes the Quit Rents to the said Governour and Company due and belonging according to the proposal made and mutually agreed upon at the General Assembly held in the abovesaid Province at York June 1681 viz<sup>t</sup> that they the abovesaid Inhabitants of the said Town of York for the time being and in like manner that shall there be from time to time forever hereafter, as an Acknowledgement of Sir Ferdinando Gorges and his Assigns Right to Soyl & Government do pay *Twelve pence* for every Family whose's single Country Rate is not above Two shillings, and for all that exceed that sum of Two Shillings in a single Rate to pay *three shillings* p<sup>r</sup> Family Annually in money to the Treasurer of the said Province for the use of the Chief Proprietor thereof; And in case of omission or neglect on the part and behalf of the Inhabitants to make full paiment Annually in manner as is above expressed and hath been mutually concented and agreed unto; It shall then be lawfull for the said President of the said Province for the Time being or for other the Agent or Agents Assignee or Assignees of the Governour and Company of the Massachusetts Colony to levy and make distress upon the Estates of any of the Inhabitants for the time being within the lymits & bounds of the said Township as well for said Quit Rent as also for all Costs and Charges accruing and arising upon

the same and the Estates so levied or distreined to bear drive or carry away with so much as it shall Cost to convey the same to the Treasurer of the Province for the time being, or to such place as He shall appoint. In Witness whereof the partys above mentioned to this Present Indenture have Interchangeably put their Hands and Seals the day and year first above Written.

Signed Sealed and delivered

in presence of

THOMAS DANFORTH President

SEAL

JOHN HAYWARD, Notra Publick.

ELIEZER MOODY.

Copied from the Record in York Town Book 500 &c.

While I am on my feet, Mr. President, I will refer to a paper on Capt. Robert Keayne's Note-book, presented by me at a meeting of this Society, on March 14, 1889. At that time an allusion was made to another note-book, which had once been in the possession of our late associate, Dr. Thomas H. Webb, and exhibited here by him at a meeting twenty-five years previously; though I did not then know its ownership. Within a short period I have learned that the volume was in the library of the Rhode Island Historical Society, where a few days ago I had an opportunity to examine it. The book corresponds in its description almost exactly with the copy in this Library. It is a quarto volume of 484 closely written pages, bound in leather, and there are traces of clasps on the cover. Some of the leaves are badly torn, and others wholly gone. The book contains notes of sermons preached before the First Church, Boston, by the Rev. John Wilson, of which the first entry is dated Feb. 4 [?], 1643, and the last one April 19, 1646. On the *recto* of the fly-leaf is written "Robert Keayne. of Bost: New England his Booke 1643, Price 6<sup>s</sup> "; and on the inside of the cover, "Goodm: Munninge." With the exception of a sermon delivered by the Rev. Thomas Cobbet, of Lynn, on July 13, 1645, they all were preached by Mr. Wilson.

Mr. HENRY W. HAYNES, having been next called on by the President, presented and read the following communication :

*Samuel Sewall and Sir John Beaumont upon the "Tragedy of  
Black-Friers," Oct. 26, 1623.*

In Sewall's "Letter-Book" (vol. ii. p. 141) occurs the following passage: "Reading lately Mr. Jeremiah Dyke upon Good Conscience, the zeal wherewith he mentions the Tragedy of Black-Friers, put me upon trying to comprise it in a few distichs, having read Fuller's Church History, and Baker's Chronicle on this subject." A note appended gives fourteen Latin elegiacs, signed "S. S.," which I had copied for the editors from the "Boston News-Letter," for Oct. 24, 1723, but which need not be repeated here. My attention had been called to them by a note in Sewall's Diary (vol. iii. p. 322), which told where they were to be found, and gave the following account of the accident which occasioned them:—

"26 October, 1623. Divers being at an invective sermon at the French ambassador's lodging in the Blackfriars, in London, part of the room wherein they were fell down and killed about 80 or 92 persons, as it is reported. The preacher was one Drury, a converted Protestant. He inveighed bitterly against Luther, Calvin, and Doctor Sutton, a reverent preacher sometime of St. Mary Overy's, in London, who, travelling beyond the seas, was drowned. This preacher said that the sea swallowed him up because he was not worthy the earth should receive him. At which words the house sank." (Diary of Walter Yonge, published in 1848 by the Camden Society, p. 70.)

I have lately met with some recently discovered English verses, by Sir John Beaumont, upon the same catastrophe, which I have thought it might be interesting to contrast with Judge Sewall's Latin verses, on account of the different spirit manifested in them. They are taken from an article in the "London Athenæum," for Oct. 19, 1889, by F. G. Kenyon, who gives the following account of the circumstances of their recovery:—

"In Dr. Grosart's introduction to his edition of the poems of Sir John Beaumont (in the 'Fuller Worthies Library,' 1869) he notes the curious bibliographical fact connected with the volume of 1629, on which volume our knowledge of nearly all Sir John's poems depends, viz., that one leaf (pp. 181-2) has been cut out of every known copy of that edition, obviously with the purpose of cancelling the poems contained on it. Fortunately a clue has been left for the discovery of the missing



poems. In one of the copies in the British Museum the leaf has been so clumsily cut out as to leave the initial letters of most of the lines on one page; and the same is the case, to a much smaller extent, with a copy in the Bodleian. Dr. Grosart prints these initial letters in his introduction (p. lxiii); and by this means the lost poems, by a fortunate accident, have been discovered and identified. Among the Stowe collection of MSS., which came into the British Museum from the Ashburnham Library, is a paper volume of fourteen leaves containing manuscript poems by Sir John Beaumont. It is not by any means a complete collection of his works, but it contains two poems that are not given in Dr. Grosart's edition. One of these, entitled 'On the death of many good People slaine by the fall of a floore att a Catholike Sermon in Black Friers,' is unquestionably one of the missing poems, as its initial letters agree with those preserved in the printed copy mentioned above." . . .

#### ON THE DEATH OF MANY GOOD PEOPLE, ETC.

Mann hath no fast defence, noe place of rest  
 Betweene the earthe and mansyon of the blest.  
 Rayse him on high, yet still he downward falls;  
 Depressing death our heavy Bodyes calls  
 To his low caves: no soul can pierce the skyes,  
 But first the fleshe must sincke w<sup>th</sup> hope to ryse.  
 See here the Trophees of that rig'rous hand  
 Whose force no wordlie [*sic*] mixture cann withstand:  
 ffor yt united Elements devids  
 And parts their frendly league to diff'rent sides.  
 In this most dolefull picture wee display  
 The gen'rall ruine on the iudgement day.  
 Thrice happy they whom that last hower shall fynd  
 Soe cleerely watching in such ready mynde,  
 As was this blessed flocke whoe fyld their eares  
 With pious Counsell and their eyes with Teares;  
 Whose harts were ravisht with a sacred Bell  
 And heavenly Trumpett when the chamber fell.  
 And that the preacher's wordes might more prevaile  
 When he describes this Life unsure and frayle  
 God by his death would confirmacon give  
 To make impressyon on our breasts that live.  
 Rest safe, Deare Saynts, and may this fun'rall songe  
 Become a charme to ev'ry Serpent's Tonge.

The business of the Annual Meeting was then taken up; and the report of the Council was presented by the Hon. John Lowell; that of the Treasurer, with the report of the Auditing Committee, by Mr. Charles C. Smith; that of the Libra-

rian, by Dr. Samuel A. Green; that of the Cabinet-keeper, by Dr. Fitch Edward Oliver; and that of the Committee appointed at the last meeting to examine the Library and Cabinet, by the Rev. Edmund F. Slafter.

*Report of the Council.*

The most striking feature of the history of this Society for 1889-1890 is the sad one of the loss by death of six Resident, three Honorary, and four Corresponding Members, — a loss which cannot be paralleled in our experience. Of the Resident Members, the first in point of time was Peleg Whitman Chandler, distinguished in his profession and in public life, whose interest in us and in the studies appropriate to our Society has continued, though the infirmity of deafness, which he bore with Christian cheerfulness, prevented his meeting with us of late years. Henry Wilder Foote filled a place in his parish and in this community which will not be easily supplied. Thomas Coffin Amory was a constant attendant and interested partaker in our meetings, and himself an antiquary and historian of great learning and diligence. Our first Vice-President, Charles Deane, was one of our oldest and most valued members. The special meeting devoted to his memory will never be forgotten by those who were present and heard the affectionate and reverent tributes rendered him from the heart of his associates and life-time friends. Robert Bennett Forbes, like Mr. Chandler, had been prevented by deafness from joining with us of late years, but his memory of the local history of sixty years and more remained vivid, and his printed personal recollections were interesting. Finally, Francis Winthrop Palfrey, a victim of the war of the Rebellion, died in a foreign land, honored and lamented. Besides helping in the making of history, he had been most profitably engaged in continuing his father's admirable work on the history of New England, as has just been most appropriately brought to our notice by the President.

We will only name the Honorary and Corresponding Members whose loss we have to deplore: of the former, Theodore Dwight Woolsey, James Riker, Baron Franz von Holtzendorff; of the latter, Henry B. Dawson, Alexander Johnston, S. Austin Allibone, William Francis Allen.

We have elected the following Resident Members: George Otis Shattuck, James Bradley Thayer, Henry Stedman Nourse, Henry Fitzgilbert Waters, Edwin Lassetter Bynner, and Hamilton Andrews Hill.

Our accommodations have been much improved during the year by the addition of seven stacks for books and pamphlets in the Library-room, and by fitting the upper room for books, cabinets, and pictures. This room has been made very attractive, and we have hung upon its walls, besides others, the valuable pictures which had been before placed in the less safe and appropriate hall-way. The accompanying reports of the Treasurer, the Librarian, and the Cabinet-keeper will show the excellent care taken of our finances by Mr. Smith, and the additions which have been made to our collections by associates and friends.

Following is the usual list of publications by the Society and its members:—

*By the Society.*

Proceedings, 2d series, vol. iv., 1887–1889.

*By Members, 1889–1890.*

Jonathan Edwards. [American Religious Leaders.] By Alexander V. G. Allen.

An Address delivered at Wellesley College upon the Opening of the Farnsworth Art School, Oct. 23, 1889. By Martin Brimmer.

Josiah Quincy, the Great Mayor. An address delivered before the Massachusetts Society for Promoting Good Citizenship. Feb. 25, 1889. By Mellen Chamberlain.

Notes on some writing which may be by Shakspeare in the Boston Public Library, 1889. By Mellen Chamberlain.

Address on the Centennial of Washington's Inauguration, under the auspices of the Episcopalian Club of Massachusetts, April 30, 1889. By Samuel Eliot.

An Account of the Collections of the American Statistical Association, 1889. By Samuel Abbott Green.

Groton Historical Series, Nos. XIII. to XVI. of Vol. II. By Samuel Abbott Green.

A Chronological Sketch of Legislation from 1752 to 1884 on the subject of printing the Acts and Resolves of the Province of Massachusetts Bay. By Abner C. Goodell, Jr.

The Trotts of Dorchester and Boston. By Edward D. Harris.

George Washington. [American Statesmen.] By Henry Cabot Lodge. Two volumes.

Preparation for Citizenship at Williams College. By Arthur L. Perry.

Double Taxation in Massachusetts. By Josiah P. Quincy.

George Washington. An Historical Biography. [Riverside Library for Young People.] By Horace E. Scudder.

The Diocese of Massachusetts: Its Historical Collections. A Diocesan Library. By Edmund F. Slafter.

Twentieth Annual Report of the Record Commissioners of the City of Boston. By William H. Whitmore.

The Colonial Laws of Massachusetts. Reprinted from the edition of 1660. Published under the supervision of William H. Whitmore.

Narrative and Critical History of America. Vol. VIII. By Justin Winsor.

JOHN LOWELL,

*Senior Member at Large of the Council.*

### *Treasurer's Report.*

In compliance with the requirements of the By-Laws, Chapter VII., Article 1, the Treasurer respectfully submits his Annual Report, made up to March 31, 1890.

The special funds held by him are eleven in number, as they were at the date of his last Annual Report, and are as follows:—

I. THE APPLETON FUND, which was created Nov. 18, 1854, by a gift to the Society, from Nathan Appleton, William Appleton, and Nathaniel I. Bowditch, trustees under the will of the late Samuel Appleton, of stocks of the appraised value of ten thousand dollars. These stocks were subsequently sold for \$12,203, at which sum the fund now stands. The income is applicable to "the procuring, preserving, preparation, and publication of historical papers."

II. THE MASSACHUSETTS HISTORICAL TRUST-FUND, which now stands, with the accumulated income, at \$10,000. This fund originated in a gift of two thousand dollars from the late Hon. David Sears, presented Oct. 15, 1855, and accepted by the Society Nov. 8, 1855. On Dec. 26, 1866, it was increased by a gift of five hundred dollars from Mr. Sears, and another of the same amount from our late associate, Mr. Nathaniel Thayer. The income must be appropriated in accordance

with the directions in Mr. Sears's declaration of trust in the printed Proceedings for November, 1855.

III. THE DOWSE FUND, which was given to the Society by George Livermore and Eben. Dale, executors of the will of the late Thomas Dowse, April 9, 1857, for the "safe keeping" of the Dowse Library. It amounts to \$10,000.

IV. THE PEABODY FUND, which was presented by the late George Peabody, in a letter dated Jan. 1, 1867, and now stands at \$22,123. It is invested in the seven per cent bonds of the Boston and Albany Railroad Co., payable in 1892, for \$21,000, and a deposit in the Suffolk Savings Bank amounting, with the last addition of interest, in October, 1889, to \$758.29. The income is available only for the publication and illustration of the Society's Proceedings and Memoirs, and for the preservation of the Society's Historical Portraits.

V. THE SAVAGE FUND, which was a bequest from the late Hon. James Savage, received in June, 1873, and now stands on the books at the sum of \$6,000. The income is to be used for the increase of the Society's Library.

VI. THE ERASTUS B. BIGELOW FUND, which was given in February, 1881, by Mrs. Helen Bigelow Merriman, in recognition of her father's interest in the work of the Society. The original sum was one thousand dollars; but the interest up to this date having been added to the principal, it now stands at \$1,681.06. There is no restriction as to the use to be made of this fund.

VII. THE WILLIAM WINTHROP FUND, which amounts to the sum of \$3,000, and was received Oct. 13, 1882, under the will of the late William Winthrop, for many years a Corresponding Member of the Society. The income is to be applied "to the binding for better preservation of the valuable manuscripts and books appertaining to the Society."

VIII. THE RICHARD FROTHINGHAM FUND, which represents a gift to the Society, on the 23d of March, 1883, from the widow of our late Treasurer, of a certificate of twenty shares in the Union Stock Yard and Transit Co., of Chicago, of the par value of \$100 each, and of the stereotype plates of Mr. Frothingham's "Siege of Boston," "Life of Joseph Warren," and "Rise of the Republic," in which it is still invested. The fund stands on the Treasurer's books at \$3,000. There

are no restrictions on the uses to which the income may be applied.

IX. THE GENERAL FUND, which now amounts to \$7,850. It represents the following gifts and payments to the Society:—

1. A gift of two thousand dollars from the residuary estate of the late MARY PRINCE TOWNSEND, by the executors of her will, William Minot and William Minot, Jr., in recognition of which, by a vote of the Society, passed June 13, 1861, the Treasurer was “directed to make and keep a special entry in his account books of this contribution as the donation of Miss Mary P. Townsend.”

2. A legacy of two thousand dollars from the late HENRY HARRIS, received in July, 1867.

3. A legacy of one thousand dollars from the late GEORGE BEMIS, received in March, 1879.

4. A gift of one hundred dollars from the late RALPH WALDO EMERSON, received in April, 1881.

5. A legacy of one thousand dollars from the late WILLIAMS LATHAM, received in May, 1884.

6. A bequest of five shares in the Cincinnati Gas-Light and Coke Co. from our late Recording Secretary, GEORGE DEXTER, received in June, 1884.

7. Five commutation fees of one hundred and fifty dollars each.

X. THE ANONYMOUS FUND, which originated in a gift of \$1,000 to the Society in April, 1887, communicated in a letter to the Treasurer printed in the Proceedings (2d series, vol. iii. pp. 277, 278). A further gift of \$250 was received from the same generous friend in April, 1888. The income up to the present time has been added to the principal. The fund now stands at \$1,455.06.

XI. THE WILLIAM AMORY FUND, which was a gift of \$3,000, under the will of our associate, the late WILLIAM AMORY, received Jan. 7, 1889. There are no restrictions on the uses to which the income may be applied.

The Treasurer also holds a deposit book in the Five Cent Savings Bank for \$100 and interest, which is applicable to the care and preservation of the beautiful model of the Brattle Street Church, deposited with us in April, 1877.

Of these funds two—the Peabody Fund and the Richard Frothingham Fund—are invested separately, as has been

stated above. The other funds, which stand on the Treasurer's books at \$55,189.12, are represented in part by the following securities: \$10,000 in the five per cent mortgage bonds of the Chicago and West Michigan Railroad Co., registered in the name of the Society, and payable in 1921; \$3,000 in the four per cent general mortgage bonds of the Atchison, Topeka, and Santa Fé Railroad Co., and \$3,000 in the new income bonds of the same corporation, which were received in exchange for the bonds of the Chicago, Kansas, and Western Railroad Co., heretofore held by the Treasurer; \$1,000 in an eight per cent mortgage bond of the Quincy and Palmyra Railroad Co., payable in 1892; forty shares in the State National Bank of Boston, of the par value of \$100 each; forty shares in the Merchants' National Bank of Boston, of the par value of \$100 each; twenty-five shares in the National Bank of Commerce of Boston, of the par value of \$100 each; thirteen shares in the National Union Bank of Boston, of the par value of \$100 each; five shares in the Second National Bank of Boston, of the par value of \$100 each; five shares in the Cincinnati Gas-Light and Coke Co., of the par value of \$100 each; and five shares in the Cincinnati Electric Light Co., of the par value of \$5 each. The aggregate amount at which these securities stand on the books is \$33,586.44. The balance (\$21,602.68) is an incumbrance on the real estate, and shows a reduction of \$4,697.94 during the year in the amount of our funds which have been temporarily invested in the building.

It should not be forgotten that besides the gifts and bequests represented by these funds, which the Treasurer is required to take notice of in his Annual Report, numerous gifts have been made to the Society from time to time, and expended for the purchase of the real estate, or in promoting the objects for which the Society was organized. A detailed account of these gifts was included in the Annual Report of the Treasurer, dated March 31, 1887, printed in the Proceedings, 2d series, vol. iii. pp. 291-296; and in the list of the givers there enumerated will be found the names of many honored associates, living or departed, and of other gentlemen, not members of the Society, who were interested in the promotion of historical studies. They gave liberally in the day of small things; and to them the Society is largely indebted for its present prosperity and usefulness.

The following abstracts and the trial balance show the present condition of the several accounts:—

## CASH ACCOUNT.

		DEBITS.	
1889.			
March 30.	To balance on hand . . . . .		\$379.56
1890.			
March 31.	To receipts as follows:—		
	General Account . . . . .	10,699.49	
	Investments . . . . .	1,200.00	
	Consolidated Income . . . . .	1,550.26	
	Income of Peabody Fund . . . . .	1,470.00	
	Income of Richard Frothingham Fund . . . . .	254.90	
			<u>\$15,554.21</u>
March 31.	To balance brought down . . . . .		\$289.38

		CREDITS.	
1890.			
March 31.	By payments as follows:—		
	Investments . . . . .	\$5,885.44	
	Income of Peabody Fund . . . . .	2,235.23	
	Income of Savage Fund . . . . .	433.05	
	Income of William Winthrop Fund . . . . .	188.85	
	Income of Appleton Fund . . . . .	2,243.69	
	Income of Massachusetts Historical Trust-Fund . . . . .	333.33	
	General Account . . . . .	3,945.24	
	By balance on hand . . . . .	289.38	
			<u>\$15,554.21</u>

## GENERAL ACCOUNT.

		DEBITS.	
1889.			
March 30.	To balance brought forward . . . . .		\$4,555.09
1890.			
March 31.	To sundry payments:—		
	Salaries of Librarian's Assistants . . . . .	2,500.00	
	New Book Stacks, etc. . . . .	641.15	
	Printing, stationery, and postage . . . . .	162.06	
	Fuel and light . . . . .	162.01	
	Care of fire, etc. . . . .	297.17	
	Miscellaneous expenses and repairs . . . . .	182.85	
	Consolidated Income . . . . .	1,472.17	
	Building Account . . . . .	4,697.94	
			<u>\$14,670.44</u>
March 31.	To balance brought down . . . . .		\$3,419.40



1890.		CREDITS.
March 31.	By sundry receipts:—	
	Rent of Building . . . . .	\$9,000.00
	Interest . . . . .	44.34
	Income of Dowse Fund . . . . .	551.55
	Admission Fees . . . . .	175.00
	Assessments . . . . .	900.00
	Sales of publications . . . . .	580.15
	By balance to new account . . . . .	3,419.40
		<u>\$14,670.44</u>

*Income of Appleton Fund.*

1890.		DEBITS.
March 31.	To amount paid on account of 6 Coll. III. . . . .	\$1,418.69
	„ „ „ „ indexing Pickering MSS. . . . .	825.00
	„ balance carried forward . . . . .	2,073.77
		<u>\$4,317.46</u>

1889.		CREDITS.
March 30.	By balance brought forward . . . . .	\$3,644.40
1890.		
March 31.	„ proportion of consolidated income . . . . .	673.06
		<u>\$4,317.46</u>
March 31.	By balance brought down . . . . .	\$2,073.77

*Income of William Winthrop Fund.*

1890.		DEBITS.
March 31.	To amount paid for binding . . . . .	\$188.85
	„ balance carried forward . . . . .	121.00
		<u>\$309.85</u>

1889.		CREDITS.
March 30.	By balance brought forward . . . . .	\$144.38
1890.		
March 31.	„ proportion of consolidated income . . . . .	165.47
		<u>\$309.85</u>
March 31.	By balance brought down . . . . .	\$121.00

*Income of Massachusetts Historical Trust-Fund.*

1890.		DEBITS.
March 31.	To amount paid on account of 6 Coll. IV. . . . .	\$333.83
	„ balance carried forward . . . . .	1,148.18
		<u>\$1,481.51</u>

## CREDITS.

1889.		
March 30.	By amount brought forward . . . . .	\$929.96
1890.		
March 31.	„ proportion of consolidated income . . . . .	551.55
		<u>\$1,481.51</u>
March 31.	By balance brought down . . . . .	\$1,148.18

*Income of Richard Frothingham Fund.*

## CREDITS.

1889.		
March 30.	By balance brought forward . . . . .	\$767.90
1890.		
March 31.	„ dividends received . . . . .	180.00
	„ copyright received . . . . .	74.90
		<u>\$1,022.80</u>
March 31.	By amount brought down . . . . .	\$1,022.80

*Income of Douse Fund.*

## DEBITS.

1890.		
March 31.	To amount placed to credit of General Account . . . . .	\$551.55

## CREDITS.

1890.		
March 31.	By proportion of consolidated income . . . . .	\$551.55

*Income of Peabody Fund.*

## DEBITS.

1889.		
March 30.	To balance brought forward . . . . .	\$1,606.27
1890.		
March 31.	„ amount paid for printing, etc. . . . .	1,935.96
	„ „ „ „ repairs of portraits, etc. . . . .	299.27
		<u>\$3,841.50</u>
March 31.	To balance brought down . . . . .	\$2,371.50

## CREDITS.

1890		
March 31.	By one year's interest on railroad bonds . . . . .	\$1,470.00
	„ balance carried forward . . . . .	2,371.50
		<u>\$3,841.50</u>

*Income of Savage Fund.*

1890.		DEBITS.	
March 31.	To amount paid for books . . . . .	\$433.05	
	„ balance carried forward . . . . .	120.51	
		<u>\$553.56</u>	
1889.		CREDITS.	
March 30.	By balance brought forward . . . . .	\$222.63	
1890.			
March 31.	„ proportion of consolidated income . . . . .	330.93	
		<u>\$553.56</u>	
March 31.	By balance brought down . . . . .	\$120.51	

## TRIAL BALANCE.

		DEBITS.	
Cash . . . . .		\$289.88	
Real Estate . . . . .		103,280.19	
Investments . . . . .		58,709.44	
Income of Peabody Fund . . . . .		2,371.50	
General Account . . . . .		3,419.40	
		<u>\$168,069.91</u>	
		CREDITS.	
Building Account . . . . .		\$81,841.45	
Appleton Fund . . . . .		12,203.00	
Dowse Fund . . . . .		10,000.00	
Massachusetts Historical Trust-Fund . . . . .		10,000.00	
Peabody Fund . . . . .		22,123.00	
Savage Fund . . . . .		6,000.00	
Erastus B. Bigelow Fund . . . . .		1,681.06	
William Winthrop Fund . . . . .		3,000.00	
Richard Frothingham Fund . . . . .		3,000.00	
General Fund . . . . .		7,850.00	
Anonymous Fund . . . . .		1,455.06	
William Amory Fund . . . . .		3,000.00	
Income of Massachusetts Historical Trust-Fund . . . . .		1,148.18	
Income of Appleton Fund . . . . .		2,073.77	
Income of Savage Fund . . . . .		120.51	
Income of William Winthrop Fund . . . . .		121.00	
Income of Richard Frothingham Fund . . . . .		1,022.80	
Income of General Fund . . . . .		1,222.11	
Income of William Amory Fund . . . . .		207.97	
		<u>\$168,069.91</u>	

It will be noticed that the amount charged to the Income of the Peabody Fund is unusually large, — \$299.27 having been paid for necessary repairs and other expenses for the preservation of the historical portraits belonging to the Society, and \$1,935.96 for printing the Proceedings, against \$326.53 expended for both purposes in the year ending March 30, 1889. But the amount paid for printing the Proceedings covers the larger part of the cost of two volumes, and the aggregate amount paid in the two years falls considerably short of the income for that period. The amount charged to the Income of the Appleton Fund includes the larger part of the cost of the third volume of the sixth series of the Collections, and a considerable additional sum for preparing a calendar of the Pickering Manuscripts. The cost of publishing the volume of Belknap Papers now in preparation will be charged to the Income of the Massachusetts Historical Trust-Fund; and it is expected that a volume of Wait Winthrop Papers, to be charged to the Income of the Appleton Fund, will follow the publication of the Belknap Papers. No further payment has been authorized by the Committee having in charge the indexing the Trumbull Papers; and the sum of \$307 still remains subject to their order, and can be used under their direction for some similar specific work. It is not to be used in the ordinary expenses of the Society.

CHARLES C. SMITH, *Treasurer.*

Boston, March 31, 1890.

*Report of the Auditing Committee.*

The undersigned, a Committee appointed to examine the accounts of the Treasurer of the Massachusetts Historical Society, as made up to March 31, 1890, have attended to that duty, and report that they find them correctly kept and properly vouched; that the securities held by the Treasurer for the several funds correspond with the statement in his Annual Report; that the balance of cash on hand is satisfactorily accounted for; and that the Trial Balance is accurately taken from the Ledger.

SAMUEL F. McCLEARY, }  
THORNTON K. LOTHROP, } *Committee.*

Boston, April 8, 1890.

*Report of the Librarian.*

During the year there have been added to the Library: —

Books . . . . .	1,085
Pamphlets . . . . .	1,718
Volume of newspapers . . . . .	1
Unbound volumes of newspapers . . . . .	15
Broadsides . . . . .	264
Maps . . . . .	64
Volumes of manuscripts . . . . .	5
Separate manuscripts . . . . .	531
In all . . . . .	<u>3,683</u>

Of the books added, 907 have been given, 172 bought, and 6 obtained by exchange. Of the pamphlets added, 1,390 have been given, 240 bought, and 88 procured by exchange.

From the income of the Savage Fund, there have been bought 172 volumes and 240 pamphlets; and 18 volumes have been bound at the charge of the same fund.

From the income of the William Winthrop Fund, 62 volumes have been bound, and 8 repaired.

Of the books added to the Rebellion Department, 14 have been given and 102 bought; and of the pamphlets added, 138 have been given, and 64 bought. There are now in this collection 1,789 volumes, 4,460 pamphlets, 780 broadsides, and 105 maps.

In the collection of manuscripts there are now 730 volumes, 160 unbound volumes, 75 pamphlets with manuscript notes, and 6,863 separate manuscripts.

The Library contains at the present time about 34,600 volumes, including the files of bound newspapers, the bound manuscripts, and the Dowse Collection. The number of pamphlets, including duplicates, is 89,739; and the number of broadsides, including duplicates, is 3,475.

During the year there have been taken out 47 books and 7 pamphlets, and all have been returned.

Among the important additions to the Library is a collection of books, pamphlets, manuscripts, maps, etc., which once belonged to our late associate, the Hon. Richard Frothingham, recently given by his son, Thomas G. Frothingham.

Perhaps the most interesting of these are two Orderly Books, one of which was kept by Captain Abishai Brown, commanding a company in Colonel Nixon's regiment during the siege of Boston; and the other probably by B. Whipple, perhaps of a Rhode Island regiment. Captain Brown's Orderly Book covers the period from Oct. 5, 1775, to the end of that year; and the other from June 4 to Nov. 19, 1775.

By a vote passed at the last February meeting, 115 volumes, chiefly in Latin and not of an historical character, were given to Harvard College Library, where 17 proved to be duplicates, and were then sent in the name of the Society to Bowdoin College Library.

Respectfully submitted,

SAMUEL A. GREEN, *Librarian*.

Boston, April 10, 1890.

#### *Report of the Cabinet-keeper.*

During the past year there have been given to the Cabinet 8 engravings, 7 lithographs, 8 photographs, 1 oil-painting, with a few other miscellaneous articles, to be found in the appended list, all of which have been duly acknowledged.

The report of the Committee appointed a year ago for the purpose of suggesting and carrying into effect such alterations and improvements in the rooms above as would give greater space and opportunity for the display of our paintings and other objects of interest, has already been presented; and it seems needless at present to do more than allude to the changes that have been made in the consequent arrangement of the Cabinet. The removal of a portion of the bookcases, with many of the books, from the upper to the lower room, has given wall-space for most of our portraits and other paintings; and these have been transferred from the stairway, and now adorn the upper hall. That room has been cleansed and painted, and every available space made use of. The flags have been rehung, and the room generally made more attractive. Not the least important of the alterations is the new staircase between the two floors, which not only gives easier access to the Cabinet, but serves as a protection to its contents.

It may be added that a carefully prepared catalogue of the medals belonging to the Cabinet is being made, and will soon

be completed. Several paintings have been repaired during the year, and when necessary their frames regilded. The model of the Brattle Street Church, which was loaned to the Bostonian Society four years ago and has proved of so much interest to the visitors to its rooms, has been returned to its place. The Cabinet may be said to be on the whole in reasonable order and condition.

All which is respectfully submitted,

FITCH EDWARD OLIVER, *Cabinet-keeper.*

Boston, April 10, 1890.

A photograph of Mrs. John Langdon Sibley's home, Groton, Mass., February, 1889. Given by Dr. Samuel A. Green.

A plaster bust of Gov. John Davis, modelled about forty-five years ago by the late Henry Dexter, father of Mrs. Anna E. Douglass. Given by Mrs. Douglass.

A photograph of the ruins of Stone Bridge, Bull Run, destroyed by the Confederates when they retreated from Centreville, 1862. Given by Dr. Samuel A. Green.

A china plate, bearing, with other decorations, a view of Harvard Hall and the adjacent buildings, Cambridge. Given by Mrs. Francis E. Bacon.

Four photographs of members of the Canton Historical Society and others, at the times of their annual walk, 1886, 1887, 1888, and 1889. Given by Henry F. Jenks.

An engraving, entitled "The Last Days of Daniel Webster at Marshfield," by C. Mottram, after a painting by Joseph Ames, published in 1858. Given by Charles C. Smith.

An engraving of Beacon Hill Monument, from a painting by Sully, made for a Committee of the Bunker Hill Monument Association, 1864. An etching of thirteen heads of distinguished men of the American Revolution, and others. Given by Thomas Goddard Frothingham.

A pair of silver sugar-tongs made by Paul Revere, and inscribed "I. M. K." Given by Mrs. Ellen M. Gifford.

A collection of six lithographs and an engraving. A badge bearing an engraving of Lafayette by Hoogland. A Confederate bill of two dollars. Given by Miss Susan Blanchard Kidder.

A colored lithographic view of Libby Prison War Museum, Chicago. An engraving of Libby Prison during the War, issued by J. Thompson Brown & Co., Richmond. Given by Dr. Samuel Abbott Green.

An engraving after a photograph by J. W. Black, of the ruins of the great fire in Boston, 1872. An engraving of the house of John Mayo and Cotton Mather, 1883. Given by Albert Oliver Crane.

A photograph of a steel engraving of Gov. William Eustis, after a portrait by Stuart. Given by Mrs. Elizabeth Eustis Langdon Porter.

A halberd used on "training days" by John Pierce, of Dorchester.

A small pocket compass used by James Blake, surveyor, of Dorchester. Given by the bequest of the late William T. Carlton, of Dorchester.

An oil-painting, on panel, of George Washington, a copy of the Albemarle portrait, painted by "N. Piehle, 1783." Given by Miss Sarah J. Eddy.

A photograph of the National Monument to the Forefathers, at Plymouth, 1889. Given by Samuel Wells.

An engraved view, by B. Romans, of the Battle of Bunker Hill. Given by Thomas G. Frothingham.

### *Report of the Committee on the Library and Cabinet.*

The Committee appointed to examine the Library and Cabinet have attended to the duty, and present the following report. They find both of these departments in excellent condition. The interesting articles belonging to the Cabinet, medals, coins, and memorials associated with our early history, are tastefully and skilfully displayed, in such a manner that they may be readily examined by members of the Society or by visitors without danger of disarrangement or loss.

The paintings, mostly portraits, have been placed upon the walls of the uppermost floor of the building, which may be properly denominated our PICTURE GALLERY; classified to some extent, bringing those of the same rank and condition together, such as governors, clergymen, and scholars. This grouping adds greatly to the interest of the whole. Each portrait has a label, with its number so large and clear that it can be read even at a distance. In a printed catalogue, under the given numbers, is a brief description of the various portraits, thus removing gratefully the blank uncertainty that for so many years brooded over this collection of pictures. This catalogue is the result of long, patient, not to say painful research; and our deepest gratitude is due to the Cabinet-keeper. It is not possible for us fully to appreciate the difficulties which have been successfully overcome in his persistent and prolonged labors. Some of the pictures have been newly framed and repaired, and the gallery now presents an interesting and attractive appearance.



The condition of the Library is eminently satisfactory. The books are wisely classified; and even those which are only called for at most once in a decade, are fully catalogued either in printed volumes or on cards. The pamphlets, nearly ninety thousand in number, often of the highest importance to the historical student, are so systematically arranged that they are ready for inspection at a moment's warning. The Society, the proper and responsible custodian of the manuscripts, numbering more than seven thousand, has made them likewise accessible to our members and to historical students, but under such wise and judicious restrictions as may prevent their publication by private individuals, perhaps in an imperfect and garbled form, in anticipation of the Society's issue of the same from the original text under its own imprimatur, carefully edited and annotated.

In executing their plans in classifying, arranging, and cataloguing, both the Librarian and Cabinet-keeper have been efficiently aided by our accomplished Assistant-librarians, Mr. Julius H. Tuttle and Mr. Alfred B. Page, whose uniform courtesy is appreciated both by visitors and members of the Society.

The Library, as a whole, is exceedingly valuable. It is rich in scarce and rare books, which at the present time could not easily be obtained even at a very great expenditure of money. They are nearly all of them gifts from our early members, and others who were interested in the history of Massachusetts. They appear to have accumulated largely in private libraries; and when this Society was established, the owners were glad to place them in the custody of an incorporated institution, where they would be useful, where their ownership would be fixed and permanent, and their alienation in the future impossible. They consequently poured their treasures with great alacrity into our archives. There is no library in this country, so far as our knowledge extends, which has been brought together by the spontaneous gifts of individuals, so large in numbers and so intrinsically valuable. But this source of growth to the Library has come nearly to an end. Valuable books are still presented by members and others, and will doubtless still continue to be; but scarce and rare books as gifts are infrequent. From this field the Society has already gathered in its harvest. The books that come floating in, as

gifts, in a desultory way, can never make the Library what it really ought to be. The small sum of not more than three hundred dollars annually, which is all that the Society can now apply to the purchase of books, has been wisely expended by the Librarian in filling "gaps," and for such books as are needed in every historical library. He has also done much by exchanges in completing series of reports and other publications, which are invaluable as original sources of history. What has been accomplished with these small means is highly creditable to the Librarian and to the Society. To do more than he has done, seems impossible. He has made all the "bricks" that his "straw" would permit.

But our Library needs enlargement and enrichment that shall be still more worthy of our honored name and of our noble antecedents. It is the function of an historical society to furnish the means for the study and writing of history, and especially of that which lies within the confines of its chosen field. The field of this Society is the State or Commonwealth of Massachusetts. The history of Massachusetts is not confined to the management and vicissitudes of its civil affairs. It is vastly broader and more comprehensive than these. It is the history of our agriculture, our commerce, our manufactures, our science, our literature and art, in all their multifarious phases, divisions, and subdivisions. The achievements of our citizens in any department of intellectual or physical labor constitute an integral part of the history of Massachusetts. The publications which have sprung up in each of these departments are the record of that history. They are the original sources whence each of these phases of our history is to be studied, and from which our history is to be written. It consequently follows that our Society, whose field is coincident with the Commonwealth, should have all these publications on its shelves. There should be compartments in the Library where the writings of Massachusetts men and Massachusetts women may be found on all these subjects, brought together under their proper classification. There should be an alcove or space for poetry, for fiction or romance, for education, the natural sciences, astronomy, chemistry, law, medicine, religion or theology, and other subjects which for our present purpose we need not here enumerate. These compartments should contain books exclusively by Massachusetts authors; and the

collection should in all cases be made complete, or at least exhaustive.

It is obvious that such a collection as this could not fail to be of very great practical value. The historian, who should desire to write a chapter or a volume on any of these topics, would find his work greatly facilitated. If his theme be the poetry of Massachusetts, its fiction or romance, the progress of education, of the natural sciences, law, medicine, or theology, he would have at least all the published original sources of knowledge before him. He could be sure that when he had studied these, he had compassed the whole subject. No important feature could be slurred or wholly omitted for the want of the best and most ample information.

A library such as we have foreshadowed only in outline, would indeed be unique. None of the great and important libraries by which we are surrounded has undertaken to make such a collection, nor is it likely that any of them will do so in the future. If it be done, it must be by the Massachusetts Historical Society, to whose chosen field the work especially belongs. Our Library already contains many volumes which may be the nucleus or beginning of the several distinct classes to which we have referred. To carry out the enlargement which we have suggested is not an impossible, nor indeed a difficult task. It will require untiring, systematic, and persistent effort; and that is the kind of effort that we can give to the subject without marring our happiness or interfering with other duties. The outcome will be a collection that will meet the wants of all students of Massachusetts history, and a library in which, as members of this Society, we may indulge a modest and becoming pride.

In closing this report, the Committee submit the following suggestions:—

1. That the members of the Society present as gifts all their own publications not already in the Library.

2. That it is desirable that members and others interested in Massachusetts history should send as gifts any volumes, on whatever subjects, not already in the Library, whose authors are Massachusetts men or Massachusetts women.

3. That it is important that members and others interested in the history of Massachusetts should make contributions or testamentary bequests, for the establishment of a permanent

fund, the income of which to be expended in the purchase of books, primarily for the elucidation of the history of Massachusetts, and secondarily for historical works on subjects outside of our own field.

4. That it is desirable that a standing committee, consisting of five members, be appointed, whose duty it shall be to take such measures as may seem practicable for the enlargement and enrichment of the Society's historical collections.

5. That the Society should put upon record its grateful sense of obligation to Dr. Samuel A. Green, our Librarian, and to Dr. Fitch Edward Oliver, our Cabinet-keeper, who for so many years have given to the Society so much time, thought, and experience in their several departments.

EDMUND F. SLAFTER, }  
ARTHUR LORD,        }  
EDWARD BANGS,        } *Committee.*

APRIL 10, 1890.

The reports were severally accepted and referred to the Committee for Publishing the Proceedings.

The Hon. JOHN LOWELL, for the Committee to nominate officers for the ensuing year, reported the following list; and the gentlemen named were duly elected.

*President.*

GEORGE EDWARD ELLIS.

*Vice-Presidents.*

FRANCIS PARKMAN.

CHARLES FRANCIS ADAMS.

*Recording Secretary.*

EDWARD JAMES YOUNG.

*Corresponding Secretary.*

JUSTIN WINSOR.

*Treasurer.*

CHARLES CARD SMITH.

*Librarian.*

SAMUEL ABBOTT GREEN.

*Cabinet-keeper.*

FITCH EDWARD OLIVER.

*Members at Large of the Council.*

WILLIAM WATSON GOODWIN.

JOSIAH PHILLIPS QUINCY.

ROGER WOLCOTT.

EDWARD BANGS.

EDWARD JACKSON LOWELL.

On motion of Mr. JUSTIN WINSOR, it was voted that the thanks of the Society be presented to the Hon. John Lowell and the Hon. George S. Hale, retiring members of the Council, for their efficient services.

On motion of the Rev. Dr. LUCIUS R. PAIGE, it was voted to put on record the Society's appreciative and grateful sense of obligation to Dr. Samuel A. Green, Librarian, and Dr. Fitch Edward Oliver, Cabinet-keeper, in conformity with the recommendation of the Committee to examine the Library and Cabinet.

A serial containing the proceedings at the meetings in February and March was placed on the table, together with printed copies of the Treasurer's Report and the Report of the Auditing Committee.

In behalf of Mr. GEORGE B. CHASE, who was unavoidably absent, Mr. SMITH presented a memoir of the Hon. George Tyler Bigelow for publication in the Proceedings.

After the adjournment the members lunched with the President at his residence, No. 110 Marlborough Street.

MEMOIR  
OF THE  
HON. GEORGE TYLER BIGELOW, LL.D.

BY GEORGE B. CHASE.

---

HARD by the Waltham boundary, and somewhat to the north of the old Sudbury road in the village of Watertown, there could be seen, down to the middle of this century, some traces of one of the earliest dwellings in New England. To this spot on the last day of October, 1642, John Bigelow, whose marriage on that day is the first entered upon the records of Watertown, led his young wife Mary Warren.

Of the early years of the bridegroom, from whom all of the name on this continent trace their descent, it would be interesting to have some knowledge, but of his antecedents before he came to Massachusetts nothing has been ascertained. His very name,<sup>1</sup> variously spelled during his own life, does not seem to have been determined till a later generation. Born in 1617, John Bigelow was yet a very young man when he arrived in New England. But little is known of his long life save that he was the father of thirteen children, eleven of whom survived him.

Following the descendants of John Bigelow down to the third generation, the family line brings us to Daniel Bigelow, a soldier of the old French wars, who, dying at the great age of ninety-two years, lived to see his sons David and Timothy honorably distinguished in the revolutionary annals of Massachusetts. The elder, David Bigelow of Worcester, born in 1730, was in the prime and vigor of life at the outbreak of the Revolution. Recalling his services eighty years later, in a letter written to the subject of this memoir, his son said: "As

<sup>1</sup> His name is otherwise spelled upon the early records as Bigulah, Begullough, Biglo, Biglow, Begalow.

a member of the Committee of Public Safety, upon whom you know devolved for the time nearly all the duties of civil government, he devoted his days and nights to public service, — travelling for miles from his home, winter and summer, several times a week to attend this committee, with a family of seven young children (I, the youngest, born in 1778, in the very heat of the Revolution), just then settled on one hundred acres of very wild land." It is hardly necessary, in so brief a mention of his life, to add anything to his son's spirited words; yet it is well to note that such was the confidence which the town of Worcester ever held in his discretion and steadfast purpose that, in addition to his service upon the Revolutionary Committee, he was chosen her delegate to every convention within the county and to the Province and State conventions at Concord, Cambridge, and Boston, from the first measures of defence in 1774 to the presidency of Washington in 1789. By his marriage with Deborah Heywood, he had seven children, the youngest of whom was the late Tyler Bigelow, long an eminent member of the Middlesex Bar. Graduated at Harvard College in the class of 1801, Tyler Bigelow was married on the 26th of November, 1806, to his cousin Clara, daughter of Col. Timothy Bigelow of Worcester, whose monument on Worcester Common recalls his conspicuous service as Colonel of the Fifteenth Massachusetts Regiment in the Revolutionary War. Of Tyler and Clara Bigelow's children, two were daughters; of six sons, one died in infancy; one, Charles Henry, a graduate of West Point and a Captain of Engineers, after long experience in civil life, died in the military service of the Government at New Bedford in 1862; four were graduates of Harvard, and of these the second is the subject of this memoir.

George Tyler Bigelow, the seventh Chief Justice of Massachusetts since the independence of the United States, was born at Riverside, Watertown, Oct. 6, 1810. He was only in his tenth year when he was sent to live with a relative in Boston, that he might become a pupil of the Public Latin School, which he entered in the summer of 1819.

"At his coming to school, where he was the youngest, or youngest but one, of the class," his life-long friend the late George W. Phillips wrote to the writer, "he was a slight, withy, active boy, of uncommon spirit, a bright expression of face, and

quick, brilliant eyes. His manners were those of a well-bred boy, courteous and pleasing. All the time he remained at the school, he was diligent, studious, and ambitious to excel, — very quick to apprehend and interested in his school work. The same alertness of spirit that marked him all along till his health was broken, was a marked characteristic of him then. I recall, particularly, that he differed from most boys I have ever known, especially of such an age, in an intelligent interest in matters of public nature, in affairs of State. He knew about public men, politics, as few boys did. I always supposed he must have had some advantages in this respect. I judge his father must have made a companion of him more than most busy fathers do, for he certainly could have got his interest and information about the matters alluded to in no other way. I recall nothing low, vulgar, or coarse in him. I think a good judge of boy character would, at that early day, have foretold for him, if opportunity offered, distinction in future life."

Such was the boy who, at the age of fourteen, was admitted in the summer of 1825 to the Freshman class of Harvard College. In this remarkable class, perhaps the most eminent in its after life of any that ever left the University, the "Class of 1829," Bigelow attained a good place. "He stood well as a scholar in all the college branches," Mr. Phillips wrote. "He was ambitious to improve himself; his life was a pure one. I do not think I ever knew a young man who seemed constitutionally more indifferent to the ordinary temptations that beset young men. He had a decision and a healthy indifference to the opinions of others. In some college trouble, our class called and held a regularly organized meeting; resolutions were passed, somewhat of the 'peaceably if we can, forcibly if we must' sort. A member of the class had presided. The Faculty took the thing up and began calling on the members alphabetically, and examining them as to the meeting. The first one or two had managed to get off without much disclosure of affairs, when suddenly they went to the other end of the alphabet and called up Y. He, taken by surprise, honestly told the whole simple truth. The consequence was our presiding man was summarily expelled, and the honest witness was as summarily put into Coventry. We thought it fine then; but all, since and long ago, confessed we were shabbily



wrong. The poor fellow was sorely damaged, and suffered through the remainder of college life, of which there were some three years. Only two members of the class stood up and manfully kept a friendly acquaintance with him. One was S. F. Smith, author of 'My Country, 't is of Thee'; and G. T. B., afterwards Chief Justice, was the other."

"He was frank and ingenuous," continued Mr. Phillips, "without disguise. I recall somewhere in our college life, — it must have been in the Sophomore year, the winter of 1826-27, when he was sixteen years old, — the elder Beecher (Dr. Lyman Beecher, a distinguished preacher of that day) attracted great audiences. A number of our class went down to Cambridgeport one evening to hear him, and accepted the invitation given at the close of the services, to meet the Doctor in the vestry-room adjacent after the audience was dismissed. There were some six or more of us. B. and I sat next each other. Dr. Beecher came along and spoke to each of us, separately, a few words meant to be private; but it was impossible not to hear something that was said. One or two had made a sham of it and tried to quiz the old gentleman. When B.'s turn came, — I can recall it all, as I have often done, as if it were but yesterday, — he said, 'I ought to tell you, Sir, that I came down to hear you preach, and from motives of curiosity came in here; but my parents are Unitarians and think differently from you. I have been taught to respect their sentiments.' The old Doctor, evidently pleased with this honest avowal especially after the foolish talk which had just preceded it from other quarters, said, 'My young friend, that is all well. I would not perplex myself with Unitarianism or Trinitarianism; but put this question to yourself, with such views as you have and as your parents have taught you, Are you satisfied with your present relations to your Maker?' Bigelow admitted that this was fair dealing. He always spoke of it with respect, and long years afterwards, after he was a judge, in some casual street meeting with me, something recalling that conversation, he would refer to it with interest and say, 'That question comes to me sometimes now.'"

Graduated in the summer of 1829, at an age when young men nowadays are but preparing to enter college, young Bigelow had held respectable rank in his class. The place and nature of his Commencement part seems to show that he was

twentieth in a class of fifty-eight. He knew, however, better than others, that he had not done his best work in college, and regret for lost opportunities was soon to come. Though destined for the law, he was deemed too young to begin the study of it. His father therefore determined to send him to the South for an absence of two years, there to find some situation as a teacher of the classics, and summed up his views of the advantages to be gained by his son, in a letter to him in these words: —

1. "To induce a more thorough and critical examination of the classics, and other college studies, by spending some time in the business of instruction. This will be best effected in the highest schools. The more your pupils know, the better for you.

2. "To introduce you into good society, and thus give you a practical knowledge of men and things. You should therefore avail yourself of every opportunity to multiply and enlarge your acquaintance with business men, with literary, professional, and all the best classes of society.

3. "To acquire some means to enable you to go on and complete your study in some profession, at least to come in aid of those which I shall be able further to afford you.

4. "These objects rank in importance in the order in which they stand, the whole, however, to be made subservient to the one chief and primary object of your life, — personal discipline, — the full development and high cultivation of your intellectual and moral powers, the improvement and salvation of your soul, that you may become a man, a gentleman, and a Christian, and make yourself useful and felt as such in the world."

It is a satisfaction to know that the father, who thus sent his son five hundred miles from home at the age of eighteen to find his own way in life, lived to see the boy, developing from that hour, become thirty years later Chief Justice of Massachusetts.

He left home in the autumn to take charge of the academy at Brookville, Maryland, where he was installed as its principal in November, only to find himself at the head of a school of twenty pupils with a fair prospect of earning four hundred dollars a year. His impression of the situation may be gathered from his letters: —

"I board with Dr. Howard, decidedly the king of the place. He is very kind to me, but then I do not like the academy. I cannot im-

prove myself while instructing a school so backward, and lastly, the compensation is far too small for the labor required. I have the use of an excellent and well-selected library. It has no novels. I could tell you how much I have been injured by them; they had more effect upon my college life than you or any one else could have imagined."

Regret for misspent hours at college seems often to recur to his thoughts: —

"You were pleased to allude to my ambition. Alas! I know not how you discovered that I had any at all. I have often looked back upon my college life and wondered where it had kept itself."

His attempts to find a situation which would give him sufficient leisure for his own pursuits were rewarded, in the spring of 1830, by the offer and acceptance of a position of tutor to the children of Henry Vernon Somerville, a gentleman honorably prominent in public and private life, then living at his seat, Bloomsbury, about five miles from Baltimore. "Without the vexation and trouble of a petty school," he writes to his parents, "I shall have . . . much leisure for my private pursuits, and more than all, an opportunity of enjoying the society and advantages of a large city."

Dr. Howard greatly regretted to lose his young principal, and generously wrote his father at Watertown in these words: —

"I congratulate his parents in possessing a son reflecting so much credit on his parentage; who is justly entitled to make large drafts on their tenderest affection and confidence, who will never be a debtor in any society where virtue and intelligence prevail, and who, at no distant period at the bar or in the councils of the Nation, will cause Watertown to exult in claiming him as her native son."

Passages from Mr. Bigelow's letters throw a pleasant glimpse of his life at Bloomsbury: —

"A month's residence in Mr. Somerville's family has convinced me that I have much reason to congratulate myself on my good fortune. There is so much here to contribute to my improvement, as well as comfort and happiness, that I am persuaded no equally advantageous situation, all things considered, could have fallen to my lot. I have the charge of five children, to whom I devote about five hours *per diem*. Two of them are studying the languages; Tiernan, the eldest, who is about fifteen years of age, was withdrawn from St. Mary's College to be

placed under my care. He is considerably advanced in French and Latin, and consequently it is rather a pleasure to instruct him. . . . I have the command of a library of two thousand volumes, collected in Europe, forming one of the most valuable sources of information; and I am confident that the society and conversation of Mr. Somerville will be of much use to me.

"I find him ready and willing to communicate with me on all subjects. . . . The society which I meet here is all of the *haut ton* of Baltimore, among whom I felt sufficiently awkward until the Brookville rust was worn off. Literary and fashionable people, — beaux, belles, and *litterati*, — all meet here. . . . I am following your advice, and have commenced Blackstone. I find it easy to comprehend on account of the perspicacity with which it is written, and amusing and interesting on account of the subject on which it treats. Whether I inherit it from you, or, as Natty Bumpo would express it, 'whether it is the nature of the beast,' or the result of education, I know not; I always had an irresistible inclination to become a lawyer. I remember that in the earliest day-dreams of childhood, I used to look forward to the time when I should sport the 'green bag,' and *look wise*, give advice, and plead causes as the summit of my wishes. I cannot but think it is a glorious profession."

In his last letter from Maryland to his mother, Mr. Bigelow wrote: —

"I perceive by the tone of my father's letter that he cherishes great anticipations of witnessing on my return a vast increase in my mental attainments. I hope that he will be more moderate in his expectations. He should remember that my college life was squandered in idleness and folly; that when I left Massachusetts for the South I was a mere boy without any knowledge of books or men; and that consequently I have had much to learn and everything good to gain. When I look back and recall the feelings and opinions with which I left you, I can with difficulty realize now that I ever cherished them."

Eleven months were passed by Mr. Bigelow at Bloomsbury, and with both host and hostess he soon became a great favorite. Very pleasing in manners and appearance, he had the peculiar good fortune for a lad of nineteen to see much of a society which, in those days less formal and restrained than that of New England, was not more conspicuous for hospitality than for beauty and gracious manners, the charm of which had already won for the women of Baltimore a reputation that had crossed the then difficult ocean. In parting from the Somer-

viles he received the kindest assurances of their personal interest in his future career. And now, more than fifty years since Mr. Bigelow left that happy household, never to see any member of it again, Mrs. Somerville's surviving brother sends to the author the pleasant message that he "well remembers Mr. Bigelow as a handsome young man; that the family were exceedingly fond of him, and greatly regretted his departure, always holding him in the kindest remembrance and speaking of him with the highest regard."

On his return to Watertown his family were delighted with the improvement eighteen months of change had wrought in him. "He left home," wrote his sister, "a boy with the ways of a boy, and returned to it a man. I have never, I think, seen," she continued, "a young man so much improved by foreign study and travel as my brother George seemed to be by his residence in Maryland."

He was soon hard at work in his father's office, satisfying that stern parent by his industry; his days were spent over law books, his evenings given to miscellaneous reading. It had been his practice at Bloomsbury to copy passages from authors he thought perfect in form and expression; and this habit he now resumed, helping to form for himself that excellent style in composition which afterwards characterized his legal opinions. He accompanied his father to and from the terms of the county courts, and sat by his side as he fought his cases with a vehemence which is yet remembered at the Middlesex Bar. In close communion with that veteran lawyer, the young student perfected himself in the fundamental principles of law. Two years were thus spent with no holiday but the New England Sabbath, and with few hours of leisure save the short evenings of a quiet country household.

Soon after he came of age he began an interesting correspondence with Mr. Somerville. His first letter to Maryland shows how rapid was his development: —

WATERTOWN, MASS., Jan. 28, 1832.

MY DEAR SIR, — I should have written to you shortly after my return to New England, according to the promise I made you when we parted, had I not been prevented by the number and variety of the avocations and duties imposed upon me by the study of my profession. To be candid with you, too, I have felt not a little diffidence at the thought

of *commencing* a correspondence with you, because I well know the advantages and pleasure of an epistolary intercourse would be wholly in my favor, and that I should in some measure be subjecting you to an irksome and profitless task.

I cannot forbear to avail myself of this opportunity to express to you the gratification with which I look back upon the year I passed in your family. Your own good humor and good taste gave zest and enjoyment to your improving society; your extensive library afforded delight and instruction to my desultory mind, and the amiability and intelligence of your children lightened the burdens and enlivened the dullness of ordinary tuition. The relation in which I stood to your family would necessarily render the situation, in some respects, unpleasant and galling to any one who entertained a due and proper pride of character, for it can be said of private tutors, as Shylock said of his persecuted nation, that "sufferance is the badge of all our tribe"; but I owe it to the kindness and friendship you manifested towards me to say that my situation was as little so as the circumstances of the case would permit. I had the pleasure of observing your name among the members of the National republican convention, who have placed Mr. Clay before the people, in an authoritative and direct manner, as a candidate for the Presidency. The address, so unanimously adopted, seems to me to be intended rather for the enlightened and high-minded than for the prejudiced and uninformed part of our community. It is in too lofty a tone, too much in the spirit of a cold and calculating moralist, to be fully understood, comprehended, and felt by the great mass of the people. It is an old maxim with us that "an ounce of fact is worth a pound of preaching"; and it would have been better, on this principle, to have dealt out one or two sturdy and undeniable realities, than to have published such a long and prosing homily under the sanction of the convention. The contest, however, is, I fear, a desperate one, and the only encouragement to further resistance is the satisfaction of finally dying with a better grace. . . .

Mr. Somerville's reply was the first of a number of letters to Mr. Bigelow, extracts from several of which are here given: —

BLOOMSBURY, Feb. 23, 1832.

MY DEAR SIR, — I received your letter in due season, and am quite gratified you have not forgotten us. It was only the evening before the arrival of your letter that we were speaking of you, and my whole family expressed surprise that you had not written. Had I known your post-office, I should have given you some intimation that we had not yet crossed the Stygian Lake, and that, in memory of you, we still have pork and beans. The truth is, you ought to have written sooner, it was your duty to have done so; for you left a character with us that would do

honor to any man, and besides, you ought to have known that I felt some interest in your future career. I write in candor and not in compliment. You have youth, health, talents, and ambition; and if you exert all the attributes which God and nature have given you, you have it in your power to be distinguished. Nevertheless, in your course through life there are some evils which the vessel of your adventure must endeavor to avoid. The first of these impediments is the rock of extra modesty, which is not very remote from that of *mauvaise honte*; if your hopes are shipwrecked upon either, it will be doing injustice to your skill as a pilot. . . . The next obstruction which opposes itself to your prospect of distinction is your undaunted admiration of female beauty. This is a kind of *ignis fatuus* in which there is no positive danger in itself; but a student of law who wishes to become eminent in his profession should admit with great caution the distracting influence of that dear little divinity called woman. The transition is not very natural from love to politics, but it is of easy gradation from woman to addresses, of which I shall speak presently. I remember in one of our political talks you remarked to me that your opinion of General Jackson was by no means so unfavorable as mine. I think enough, and more than enough, has transpired since you left us to prove that my estimate of the hero's mind and character scarcely did justice to the ignorance of the one or the degradation of the other.

John Randolph said in his speech at Richmond, which perhaps you have heard, that "he did not know whether the dissolution of the Cabinet was owing to Van Buren's head or to Margaret Eaton's ———; but at any rate he was glad of it."

I have been much engaged of late in preparing an address to the people of Maryland, in obedience to a resolution of the National Convention. . . . I have, in every part of this appeal, endeavored to make facts the basis of the whole superstructure, simply throwing in here and there a little spice in the way of illustration. Your comment on the address of the convention is perfectly correct. It is a political 30th of January sermon. . . .

Believe me, I greatly miss your society and our frequent intellectual chit-chats, and that you are respectfully remembered through my whole family.

MAY 23.

The Central Committee of Baltimore have ordered five thousand copies of my address, but whether it will produce much good effect in our State is a doubtful matter. We still enjoy good health and spirits, and at this very delightful season you will be pleased to see how much Bloomsbury has improved. My orchards have grown beyond my hopes; and the cutting of trees, and particularly the antiquated chestnuts in the fields below, have opened to the view from my front door a pros-

pect of nearly three thousand fruit trees. The bloom is magnificent, and exhibits every variety of hue.

Your successor continued with me till a few days since, and has now removed to Florida. He was amiable, but no companion for me; how much of a long winter's evening I missed our agreeable and instructive conversations! Believe me I shall ever remember with feelings of gratification your very kind and gentlemanlike deportment while a member of my household. . . . Let me know what you think of the address.

OCT. 9, 1832.

I have written you twice, and Tiernan once, since we received your first letter. How happens it that you have never since written? Have you forgotten us, have our letters never reached you; or is your time absorbed in law, politics, and love? As you will have learned before this reaches you, our party was beaten in Baltimore by nearly five thousand votes. The Irish population controlled the vote. Mr. Tiernan<sup>1</sup> was a candidate for the House of Assembly; and while both friends and foes admitted the purity of his politics and the excellence of his character, and while all acknowledged that as president of the Hibernian Society, his time and his purse had ever been freely given in kindness to his emigrating countrymen for nearly forty years, yet still he was deserted by those whom he had most befriended, for the sake of striplings in politics of whom the people knew nothing save and except that they electioneered under the Jackson banner. This was not all; the morning after the contest, the partisans of the hero shrouded the door of Mr. Tiernan's counting-house with black crêpe and low verses in ridicule of his defeat. Such is Jacksonism in Baltimore! . . .

Miss Fanny Kemble is playing wonders in New York, and the Nullifiers the devil in South Carolina. There is one comfort, at any rate, — these Southern madcaps cannot nullify the graces of pretty women. For myself, unsought, unseen, I had rather be under the government of Miss Fanny and legislate in her own little capitol all the days of my life, than be subject to a Southern confederacy, headed by Calhoun or McDuffie, with the seat of government no man knows where, and the sort of government God only knows what.

We walked through the peach orchard to-day which you helped to plant. You would be surprised at its wonderful growth. I could not refrain from laughing at the recollection of the planting scene; 't was pretty much like running from post to pillar, — you, with your lank roundabout, something like Peter Slimmel with his seven-league boots, and then my long, graceless flannel gown, the breeze of Boreas throwing it sky-high like Randolph's similes.

<sup>1</sup> Mrs. Somerville's father.



To obtain some knowledge of the practice of a city lawyer, Mr. Bigelow entered Mr. Charles G. Loring's office in the summer of 1833, and after six months of hard study was admitted to the bar, at the December term of the Court of Common Pleas, held at East Cambridge, Jan. 9, 1834. Undecided as to his future home, he returned to Watertown, and got his first practice in his father's office. His correspondence with his friend Phillips, who was already practising law in Boston, was now a source of amusement to him. Phillips was imaginative, spirited, and mirthful, and the two young men wrote to each other with a free pen. One of Phillips's letters to Bigelow was prophetic. Written June 27, 1834, and addressed to George T. Bigelow, Esq., Watertown, it was so folded as in opening to disclose apparently another letter, postmarked Jan. 1, 1844, franked "G. W. Phillips, U. S. S., Free," and addressed to "Hon. G. T. Bigelow, Ch. Justice of S. J. C. of Mass. and commander in chief of the Watertown blues." Seven years afterward the recipient of that letter was colonel of the Boston Regiment of Infantry, nine years later a judge of the Supreme Court, and after ten more years its Chief Justice.

If the writer of it never attained political distinction, it may be truly said of Mr. Phillips that it was not for the want of superior abilities, but rather his preference for the quiet life of an advocate in which distinction awaited him.

After nearly eighteen months of such country practice as his father turned over to him, making justice writs and trying them, Mr. Bigelow opened an office in Boston, in June, 1835, at No. 10 Court Street, in pleasing proximity to his friend Phillips, whose office was in the same entry. For a young stranger of twenty-four to obtain clients, it was first necessary he should be known. To this end Mr. Bigelow adopted a suggestion of the Hon. Abbott Lawrence,<sup>1</sup> and took lodgings at the Bromfield House, then a favorite old coaching-house in Bromfield Street; and among his first clients were acquaintances here formed.

The nomination of General Harrison for President by the Whigs of Maryland induced the following letter to Mr. Somerville:—

JAN. 23, 1836.

I could hardly believe my own eyes, when I saw your name appended to an official account of the proceedings of the late Whig convention in

<sup>1</sup> Mr. Abbott Lawrence's wife, Katherine Bigelow, daughter of Hon. Timothy Bigelow, of Groton, was cousin to the subject of this memoir.

your State, which nominated William H. Harrison as a candidate for the Presidency. I had supposed that you, at least, faithful among the faithless found, would have stood firm in the support of the only man, now before the people, fully worthy of the highest honors of the Constitution. So then, we are to have William H. Harrison for the next President, and why? Because he gained a doubtful glory in a tomahawk fight at Tippecanoe? . . . The case is a plain one. It is not asked who is the best qualified for the office. . . . But the great question is, who is the most available candidate; who can be run into office the most easily by dazzling the eyes of the people by the false glare of military glory, and thus it comes to pass that the clerk of a county court in Ohio, a man of defective education, limited capacity, and slight experience is preferred to a long-tried public servant, the ablest defender of the Constitution. . . . It is a question beyond argument, and I leave it here.

I am so negligent a correspondent that I fear you will think I have almost forgotten you, but it is not so. Scarcely a day passes by, without some moments being spent in recurring to my residence at Bloomsbury. If you knew how much pleasure I take in recalling the incidents of the year I passed with you, how strongly my character and feelings were influenced in that most important period of my life by your counsels and opinions and by the stores I gathered from your library, you would ask for no professions of remembrance nor exact special punctuality in correspondence.

Mr. Bigelow's aptness in making friends, his industry and earnestness about whatever business came to his office, attracted about a year later the attention of Bradford Sumner, a well-known lawyer of the day, who proposed to him a business association, which the young advocate's confidence in his own powers led him to decline.

He was elected, in May, 1837, as ensign of the New England Guards, then a very popular company in the city militia, which survived till the late war between the States, and ended its own existence in providing officers for several regiments of volunteers.<sup>1</sup>

High-spirited and naturally combative, he had a strong taste for military duty. He studied books of tactics, was constantly in evening attendance at the company's armory, and was delighted in the work there. But he had hardly got his uniform home, when on June 11, Mayor Eliot's summons of the Boston militia to quell the Broad Street riot found him the only officer

<sup>1</sup> The Twenty-fourth and Forty-fourth Regiments of Massachusetts Volunteers were wholly officered from this company.

of his company in town on that pleasant Sunday afternoon. Already aware of the disturbance, he went quickly to Faneuil Hall, and taking command of as many members of his company as were there gathered, marched at the head of the assembled infantry, as preceded by the Lancers it approached Broad Street. "There was a fixed determination in his face that the law should be enforced which communicated itself to others."<sup>1</sup> As the column came near the scene of the tumult, feathers from the beds, torn open by the rioters at the windows of the tenement houses, filled the air like snowflakes. The Lancers — a new organization, then making its first appearance — steadily cleared the street, but fighting still continued in the houses. Directed by the Mayor to clear a house on the right hand from whose windows the furniture was flying, Mr. Bigelow advanced at the head of his company, to find the entrance barred by a large man who stood across the narrow doorway with knees and arms braced to prevent intrusion. "Give way!" shouted the young ensign, whose hot temper was instantly aroused. Grasping, upon the rioter's refusal, the heavy old-fashioned sword he carried, he brought it down with all his might upon the man's shoulder, and felled him to the ground. The act was seen at many windows by those who kept a lookout upon the troops, and instantly had its effect. Rioting soon after ceased in the neighborhood, and in a short time comparative quiet was restored.

Military life in any form had a great charm for Mr. Bigelow; and as it was much the custom of that day for the Boston companies to elect their officers from the young members of the bar, he was enabled to find the amusements of his leisure hours in a pursuit which largely increased his acquaintances among the young men of the city, and which was thus a positive advantage to him in his profession. The Guards soon found they had got an energetic young officer, who did his work thoroughly and as if his heart were in it. Though a firm disciplinarian, his cordial disposition and pleasant ways among his company, when not on duty, won for him rapid promotion; and in January, 1839, he was chosen its captain.

In the following November he was first elected as a Representative from the city of Boston, and entered the Legislature

<sup>1</sup> Hon. J. C. Park, speech at bar meeting, April 18, 1878.

in January, 1840. Four times re-elected, he served in the Lower House five years. From the beginning alert and industrious, he worked hard in committee and spoke exceedingly well in debate. His pleasing manners won for him popularity, and his abilities influence. In his second year he was made chairman on the part of the House of the Joint Committee on Manufactures, then, in its importance, the second committee in the House, and from that hour maintained his rank as an earnest and active leader of the young Whigs. Though he did not neglect his profession in these years of political activity, he found time to gratify in some degree his strong military tastes. In the summer of 1840 he encamped his company at Woburn, and there thoroughly drilled them in artillery and infantry tactics, winning as the reward for his exertions a generous recognition of his military success throughout the regiment. With these congenial military duties, however, his law practice began to interfere, and to the regret of his company and against their unanimous petition, he resigned his commission. Chosen, however, a year later colonel of the Boston regiment of infantry, "he infused into it an efficiency, promptness, and thoroughness which was never reached before."<sup>1</sup> He held this, to him, delightful command for three years, when again yielding to the increasing demands of his profession, he retired from military service, for which it seemed to so many Nature had designed him. He formed in 1843 a law partnership with his friend Manlius S. Clarke, and, devoting himself to the business of a jury advocate, soon acquired a lucrative practice.

The murder of the warden of the State Prison, by Abner Rogers, a convict, in 1844, had painfully excited the public mind, and there was a widespread thirst for vengeance when he was arraigned for the crime. By a merciful provision of our courts, by which counsel are appointed for those who are destitute, Mr. Bigelow was appointed counsel for him, who proved to be as bereft of reason as of friends.<sup>2</sup>

The distinction he gained by this argument only served to fire Mr. Bigelow's ambition. Indefatigable in the preparation of his cases, he fought them with courage, tenacity, and at

<sup>1</sup> Mr. R. H. Dana, speech at bar meeting, April 18, 1878.

<sup>2</sup> Rogers was acquitted because of insanity, and was sentenced to confinement in the asylum at Worcester, where, leaping one day wildly from a window in an insane delusion, he was instantly killed.

times temper. It may be doubted if opposing counsel understood or altogether approved the general favor as an advocate in which he came to be held. "In the trial of a cause he meant business and a good deal of it; he did not intend to lose anything by too much courtesy to his opponent or by too great deference to the court, or too little arrogance of manner in general."<sup>1</sup> But he was rapidly rising as an advocate. "He was quick in action," said Mr. Dana; "he knew human nature. He could read character, and he balanced facts well. He exerted himself to the utmost. He never relied upon supposed powers to carry him through, which others might not have. Every one of his successes was deserved."

He was chosen a Senator from Suffolk County for the year 1847, and was again chosen in the autumn of that year. So successful was his political service that he seemed sure of further and higher distinction, when he resigned his seat in the Senate on his appointment by Governor Briggs as judge of the old Court of Common Pleas in March, 1848. In those days the appointment to the bench of a man of thirty-seven, who had given so much time to military and political life, and whose record at the bar, though undoubted and full of merit, was yet comparatively brief, and hardly such as to promise success in a place so different and responsible, provoked general criticism. "His military feeling, his executive faculties, his guardsman's air, forced his friends to meet the question whether his mind was sufficiently judicial."<sup>2</sup>

It may be here said that Governor Briggs, surprised at the criticism his nomination had occasioned, was from the first confident of the fitness of this appointment, which had been first suggested to him by the Hon. P. W. Chandler, then City Solicitor of Boston; though Colonel Bigelow had served Governor Briggs for some years as his chief aide, and during his legislative service had come much in contact with him. Nor did he himself feel a moment's doubt of his ability to justify his elevation to the bench. He had been long enough at the bar to know the measure of his own powers, and though conscious that other pursuits had interfered with his study of law, he felt sure of success. He subsequently told his old friend, Mr. J. C. Park, that the moment his appointment to the bench was confirmed,

<sup>1</sup> Hon. Peleg W. Chandler, at the bar meeting, April 18, 1878.

<sup>2</sup> Mr. Dana.

he took up every book on Evidence that he could find and mastered its contents; and that in court, "as soon as a new question of law came up before him, he assumed all the courtesy in his power and said, 'Gentlemen, I will hear you on that point,' and at the conclusion of the argument he would give an opinion in a manner which would lead people to believe that he was perfectly familiar with the point at issue, whereas he had grasped every idea advanced, and had then been able to make up his mind at once. 'I do not call it tact,' said Judge Wilde when told of this; 'it is talent to make other people do the work and appropriate the results yourself!' He had the wonderful power of seizing every point presented; he could eliminate every point of law from the facts with which it was surrounded."<sup>1</sup>

The new judge held his first term "bravely" in Boston. "From the first day he took his seat," said Peleg Chandler, "he was every inch a judge. In the despatch of business, in the management of the docket, in his wonderfully clear and able charge to the jury, in his absolute impartiality, he won the applause and even the admiration of the bar." Even the juries, who at the end of their service were familiar with the talk his appointment had made, sympathizing in his success, sent him addresses of congratulation. He was now, perhaps, at the happiest period of his life. His ambition was for the time gratified, his success seemed assured, while the varied duties of the bench were peculiarly congenial to him. He liked to hold court in the shire towns; it revived the recollection of his first law practice with his father. He enjoyed the study of human nature which his position afforded him, and he attained in this way that exceeding insight and knowledge of the country people of Massachusetts, their ways, prejudices, and lines of thought, for which he was so long noted.

The young Whigs were still planning to send Mr. Bigelow from Boston to Congress, and in the summer of 1850 a movement was made to bring him forward as a candidate at the convention, to be called in the following October, to nominate a representative. The first meeting of that convention ended in an informal ballot, when thirty-nine votes were thrown for Judge Bigelow, — a clear majority of ten over every other can-

<sup>1</sup> Hon. J. C. Park, speech at bar meeting, April 18, 1878.

didate. To the surprise and disappointment of his supporters, led by Ezra Lincoln, afterwards Collector of the Port, Mr. Bigelow, influenced wholly by family considerations, then withdrew his name; but in this act he decided more wisely than he then knew to remain upon the bench, where promotion was soon to come, and its highest honors to follow.

The Hon. Samuel Sumner Wilde, of Hallowell, had been appointed a judge of the Supreme Court as far back as 1815. He ended the longest judicial service in the history of the Commonwealth, by resignation, in November, 1850. Appointed to succeed him, Judge Bigelow took the oath of office on the 21st of the same month, and his seat on the last day of the November term. He was only five years old when his distinguished predecessor was appointed, and he was hardly forty when called to sit by the side of Chief Justice Shaw, by Dewey, Metcalf, and Fletcher,—all aged men. “In his new position,” says the late Mr. Justice Foster,<sup>1</sup> “he was very useful from the beginning; he labored with constant assiduity to do each judicial duty as perfectly as possible, and coming to the bar myself about the time of his appointment, I well remember with what astonishment the older lawyers regarded the excellent performances of this brisk young judge, somewhat of a martinet in his discipline, and his ways in such striking contrast to those of his venerable associates.” If the new justice had already won by three laborious years a distinction as wide as the Commonwealth in the court from which he came, it was yet feared that his professional study had been too brief and too interrupted for his success in the determination of questions of law. But he worked hard as he had ever done to fulfil the duties of the hour; and the days were but few in all the year, at this period of his life, in which he was not engaged in study of the ever-varying questions of law which came before him. The court-room was never dull when he was on the bench, for all the parties to the case at bar felt the spur of his vigorous nature. Quick and industrious, he expected counsel to be well prepared, and was sometimes savage at any waste of time. He became unrivalled in the quickness and accuracy of his rulings upon evidence, and so increased his reputation in the trial of jury causes that it

<sup>1</sup> Speech at bar meeting, April 18, 1878.

came to be said of him in his life, as was said of him after his death at the meeting of the Suffolk Bar by one of the most eminent among the jury advocates of that day, the late Mr. Somerby, that "sitting as a judge at *nisi prius* he has never had his equal, for he brought to his position a readiness, a vigilance, and an acuteness of comprehension, together with a perfect knowledge of the relations which every fact bears to every other fact, which placed him in the foremost rank of jurists." There was no judge of that day who had a stronger faculty of impressing himself upon a jury or who could get more out of one. "Indeed," said Mr. Sheriff Clarke, "I have known many jurymen who counted it a pleasure to sit under him."

"I was present," said the late Mr. Dana on the same occasion, "when Judge Bigelow appeared for the first time in East Cambridge as judge of the Supreme Court. He then did what had never been done before. He had prepared with labor and care a list of all the cases which had been decided, the names of the cases, the counsel, a short statement of the facts and points such as is now published as a rescript, and the conclusion reached by the courts. He had done it, without doubt, to do credit to himself. And why should not a man be desirous of securing credit for his best gifts? He knew it would be useful to the bar. He took up the cases in order, named each counsel in the case, reviewed what was done at the time, called the attention of the bar to the points, stated the nature of the case and the results. He went through the list in order. Every member of the bar felt that it was an achievement. It was the first step to the rescript we now have. The bar was grateful for it. We all know that he was the first person who had ever done it. He was the first who was willing to give it the assiduous labor it required.

"I had the honor," Mr. Dana continued, "of knowing pretty well the late Mr. Charles G. Loring. He was a great admirer of the class of minds which had preceded him by a generation at the Suffolk Bar. He said the best jury charge he had ever heard was made by a judge who, I hope, is still remembered for his rare merit, Judge Charles Jackson. He had always preserved it in his mind as a model jury charge. But in this place where I now stand, he said to me: 'You



have heard what I have said about Judge Jackson's charge. The charge just given by Judge Bigelow was its equal in every respect, and I don't know which was the best.' "

"His manner on the bench," said Mr. Chandler, "was dignified and courteous; but he held to his prerogatives, was impatient of dulness and intolerant of prolixity, nor would he allow the least arrogance on the part of the bar. Sometimes when tried in this respect, he reminded one of the Western judge who threw out a signal-flag of warning to a young advocate who was going rather far, by the remark, 'This court is naturally quick-tempered.' And Judge Bigelow was quick-tempered. Yet his temper was generous, and if quickly raised was quickly spent; while a nature inwardly tender, united to peculiar graces of manner, compensated him who had felt its force; so that, as has often and widely been said of him, few men ever left his court with wounded feelings, and none departed from it without feeling that full justice had been accorded them."

He was most careful in the preparation of his opinions, but when his materials were ready to be put in permanent form, they were rapidly written; yet he never finished an opinion without full and far-sighted consideration of the effect it might have upon the rights and interests of the people of Massachusetts. During the ten years Judge Bigelow was an associate justice of the court he wrote several opinions upon the most difficult and intricate questions of law. Of these perhaps the most generally remembered was his opinion in the so-called Brattle Street Church case, which was argued before the full bench in 1855. When the arguments were over, the court adjourned without any consultation upon the case, and as Judge Thomas, before his death, told the writer, without assigning the preparation of the opinion to any member of the court. Three days afterward Judge Bigelow read his opinion to the other judges, and it was at once adopted by them. "It was at a time," said Mr. Dana, "when a judge's written opinion was read before the assembled bar, — a good practice, but one which has been omitted in the accumulated business of the present day. Any student," he continued, "who is far enough advanced in his studies to understand it should read it. He had the faculty of getting a bird's-eye view of the whole country in which the contest lay. He knew exactly what points were

connected with the case, and had the power of marshalling facts and arranging principles.

“While many men — or some men — who might be considered his superiors in legal training might deliver an opinion which would attract little attention, Judge Bigelow had a capacity and clearness of mind, and a faculty of stating points so clearly that no one present who had the least knowledge of law but was delighted with the opinion, and went away thoroughly comprehending it.”

In that more difficult branch of law known as equity, Judge Bigelow achieved marked distinction. A court of equity brings before it all parties interested in a cause, however numerous they may be and however complicated the suit, and distributes justice to all by a decree (somewhat as water is distributed by a skilful fireman over every part of a burning building). In January, 1859, arguments in appeal were made to the full court sitting in equity in the difficult case of *Leach v. Fobes*. At their close, a recess was taken by the court, and Judge Bigelow retired to the lobby. He returned in ten minutes with a finished decree which closed forever litigation on every branch of the subject. It was a remarkable feat,<sup>1</sup> and made a strong impression upon all who witnessed it.

And thus it came about when, toward the close of August, 1860, that great and venerable judge, the Hon. Lemuel Shaw, resigned his commission as Chief Justice of the Supreme Court, which he had held for thirty years with not more honor to himself than renown to the Commonwealth, the weighty responsibility of appointing his successor devolved upon the then executive magistrate, Governor Banks. It has now long been known that after a deliberate survey of the bench and bar of Massachusetts the Governor sought the presence of Judge Shaw to tell him that while his own conclusion — confirmed, as he believed, by sufficient indications of public sentiment — pointed to Judge Bigelow as his successor, he yet felt it due to him, whose resignation he had so reluctantly accepted, to consult him upon the general fitness of his choice. “I can only say,” replied the “Old Chief,” as Judge Shaw was

<sup>1</sup> The writer is indebted for this anecdote to the late Ellis Ames, a member of the Historical Society, who was of counsel in this case.

then affectionately termed by the bar, "that Judge Bigelow has eminent qualifications for the place."

On the 7th of September following, Judge Bigelow was appointed Chief Justice, and three days later took the oath of office. He was not yet fifty when the highest honor in the gift of Massachusetts came to him, heightened as it was by assurances from the bar of every county that he deserved his high office and the profession deemed him entirely competent to fill it. The rapid industrial growth of Massachusetts from 1846 to 1860 had caused business in the courts to increase so rapidly that the old rules and customs were no longer tolerable. Chief Justice Bigelow, as the bar had hoped from their knowledge of his driving temper and executive powers, speedily reorganized the business methods of his court, and various improvements to shorten procedure were made. Lawyers were required to submit printed briefs, to be prompt and expeditious in all their doings with the court, and to make short arguments on points of law. The bench itself worked hard. Cases no longer accumulated, dockets were shortened, and the people at large felt that the law's delays were less vexatious and hard to bear. Patient, prompt, laborious, the Chief Justice bore with ease the larger responsibilities of his position.

Popular from the first, his kindness and urbanity to the profession wherever he met them, whether in court, in the street, or at his home, was steadily maintained during the seven years he remained upon the bench. His regard for the character and good name of the profession was well indicated on the occasion when a young and gifted lawyer, whose early death was regretted by all who knew the brilliant qualities of his mind, came drunk into the court-room where he was to argue a case. As soon as the unfortunate young gentleman's condition was seen, on his attempting to rise, the Chief Justice instantly leaned forward, and in a tone of great kindness remarked, "Mr. —, the court will, if you please, take up this case to-morrow," and instantly adjourned the court. The young lawyer's condition, perceived only by the bench and by a few members of the bar, was thus not made public, and his ruin thereby averted.

For a man whose mind was largely occupied with serious business he had a curious capacity for keen and quiet observation of what was going on around and about him. There

never was any such abstracted occupation of mind that he could not turn readily to anything that would attract attention for its peculiarity, humor, or interest. He could tell as well as any idler in his court-room what had happened in it outside of the trial of the case before him.

His interest in the law as a practitioner and as a judge was peculiar. While some men delight in the law as a study or pursue it as a science, and others follow it for emoluments and honors, Judge Bigelow seemed rather to enjoy it as a splendid engine to be brought to bear upon abuses which required correction, or upon men who needed its discipline. During the seven years he remained upon the bench he continued to perfect and extend his judicial reputation; but though his mind, like an exquisite machine, did its appointed work rapidly and without friction, the slow growth of certain infirmities, partly the result of long years of sedentary life, admonished him that he could not long continue upon the bench. Deafness and gout, alike the inheritance of his family, beset him. The failure of his hearing entailed upon him a sustained and at last painful effort to lose no word of what was said in the trial of a cause before him. Recognizing that it was rather a question of months than years, when deafness would compel him to descend from the bench, as twenty-five years before it had forced his father to retire from the bar, the Chief Justice determined, before the profession were even aware of the causes which influenced him, wholly to change his occupation, and in the autumn of 1867 he resigned his commission, to take effect on the last day of that year.

The announcement of his intention to resign occasioned universal regret. The bar of Massachusetts were unwilling to lose at the early age of fifty-seven, and in the perfection of his judicial training, a chief justice whose term of office they had hoped might last as long as that of his great predecessor. Petitions, signed by three hundred members of the bar, urging him to remain in office and testifying that his "retirement at this time would be a loss which the profession and the public could ill bear," were followed by many personal and written appeals of the same kind from all parts of the State, and from the Executive itself. These tributes were indeed sweet to him. Not twenty years had passed since, fresh from the political and military service of the State, he had been made a judge of

Common Pleas, amid the general criticism of the profession as to his fitness for judicial life. Now he was retiring from the highest judicial post in the service of the Commonwealth, while the bar of every county were hastening to him their appeals to remain longer in his great office.

Well might his professional career be termed, as it was, by a great advocate of that day,<sup>1</sup> "a triumphal march of honor."

As soon as his intention to resign became known, Chief Justice Bigelow was offered the position of Actuary to the Massachusetts Hospital Life Insurance Company. He accepted this position of dignity, responsibility, and ease, and held it till his last illness. For several years he had suffered at times acutely from the gout, and he died of this disease, Friday, April 12, 1878, at the age of sixty-seven years and six months.

On the Sunday ensuing the bar assembled at his funeral at King's Chapel, to honor, as was afterward so fitly said by Mr. Dana, "the memory of a patient, industrious, indefatigable, vigilant, prompt magistrate, and an honorable, generous, high-spirited, and public-spirited citizen."

Others may have adorned the courts of Massachusetts who exceeded him in research or who had a wider knowledge of cases; but in his power of grasping the points of an action as they were successively presented, — whether of fact or of law, — of grouping them in their proper order, and of steadily holding them in their true relation to the issues involved, no less than by the perfection of his art of stating them to a jury, or, through his surpassing faculty of legal literary expression, of embodying them in a written opinion, he has been equalled by few judges and excelled by none. As personal recollections of the late Chief Justice fade into the dim twilight of tradition and pass slowly away, the opinion of his great classmate, Mr. Justice Curtis, formerly of the Supreme Court of the United States, will surely be held by all who come hereafter to study the principles of law, as they are set forth with enduring wisdom in the Reports of Massachusetts. At a certain meeting of the "Class of '29" the conversation turned upon the merits of several of the instructors at Harvard during the period of their student life, and there was some criticism

<sup>1</sup> Gustavus A. Somerby, speech at bar meeting, April 18, 1878.

of Prof. Edward T. Channing as a teacher of rhetoric and English composition, when Judge Curtis pointed out that Channing's pupils had no tendency to that florid style somewhat common with students of other colleges, and continued as follows: "Take Bigelow; he is not here to-night and so I can say what I should not if he had been. You all know that much of my life has been so spent as to give me a large acquaintance with judicial style; and I here express my opinion, which is not a new one, that for purity and clearness of style, I know of no living or modern judge who is Bigelow's superior."<sup>1</sup>

Peculiarly genial and companionable in private life, Judge Bigelow was fond of society and became a great diner-out. Inclined to all kinds of reading, from newspapers to the last book upon law, he was especially fond of English and American memoirs; and his mind was thus stored with a fund of anecdote which a retentive memory enabled him to use most happily in conversation. An excellent discretion usually controlled a naturally impulsive disposition, and made him somewhat shy of all public occasions where after-dinner speaking was a rule, and where his presence was often sought. Never but once after he attained distinction did he attend a public dinner; and while they who were present, among their recollections of the hour, can recall the grace and animation of his manner and the force of his speech, his own deliberate judgment led him afterward to avoid all similar occasions. He was offered and held many positions of trust and honor, before and after he left the bench, and was a Fellow of Harvard College at his death.

Chief Justice Bigelow was married, Nov. 5, 1839, to Anna, daughter of Edward Miller, of Quincy. By this marriage, which brought him into pleasant relations with several families long prominent in the Old Colony, he had four children, all of whom survive him.

<sup>1</sup> Mr. G. W. Phillips, in a letter to the writer of Feb. 10, 1879. See also "Life and Writings of B. R. Curtis," vol. i. p. 34, where the same anecdote is told in slightly different language.